

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX.
FILED

UNITED STATES DISTRICT COURT
NORTHERN TEXAS

2015 SEP 16 AM 9:45

Civil Action, File No. 1-15 CV-167 P
DEPUTY CLERK

TRINIDAD ORTEGA LERMA)
Plaintiff)
) Complaint
) For Negligence
v.)
) Jury Trial Demanded
GEO GROUP, INC. & B.O.P.)
(Bureau of Prisons))
Defendants)

Complaint

Plaintiff, TRINIDAD ORTEGA LERMA, pro se, for this complaint
state as follows:

1. Plaintiff Trinidad Ortega Lerma is confined in the Cedar Hill Corrections center, a federal institution located at 3711 Wright Ave. Big Spring, Texas 79720.
2. Defendant GEO GROUP, INC. is in charge of the custody and medical care of the Plaintiff.
3. Defendant's Fail to provide Plaintiff the adequate medical care and caused damages to his health, body and mind.
4. This action arises under and is brought pursuant to 28 USC § 1333 and 28 USC § 1331. This Court has jurisdiction over this Action because the negligence occurred in Big Spring (Howard county) and this Court has jurisdiction over such county.
5. This cause of action arose in the Northern District of Texas. Therefore, venue is proper under 28 U.S.C Section 1331 (b). And plaintiff is a resident at Cedar Hill which is located inside the Northern District of Texas, For which this Court has jurisdiction.
6. On or about February 17, 2015 Plaintiff was Transferred to Cedar Hill to serve his sentence and to receive medical treatment and the correctional center it was their duty to provide treatment and they failed to do so causing harm and damages to Plaintiff.

7. Plaintiff as the result of an accident in custody of B.O.P suffered injury to his spine, neck and head, The report of Big Bend Regional Medical Center (EXHIBIT 9) shows the trauma to plaintiff's spine, by exam and MRI DIAGNOSIS.

8. Judge ROBERT JUNELL orders B.O.P to send Plaintiff to F.C.I. Rochester, MN. where they could provide needed care, instead they transferred him to Cedar Hill, where Plaintiff so many times requested medical care and was always refused.

9. The medical personnel at Cedar Hill only provided pills for pain , as the result of this GROSS NEGLIGENCE plaintiff is in constant pain day and night, I am not able to walk as a normal person, I cant lift heavy things, I feel in a state of disability as the result of my injuryes, and I believe that I need back surgery as recomended by Doctor Donald Culbertson,PA. Back in 12/12/2014 (SEE EXHIBIT 3).

10. Defendant alwas was asking me to extend the time for a response to my requests for medical care, Infact I have sent requests to the highest branches of Administration and they said (MEDICAL CARE- IMPROPER OR INADEQUATE) see EXHIBIT 8.

11. Plaintiff will be released from custody on October 09, 2015 and ICE wants to deport me, and I feel that such task will put me at great risk, Because I am suffering with this disability.

12. Plaintiff feels that the GEO GROUP INC. is responsable for my injuries, and I hope that this court will make them liable for their mistakes, & negligence.

13. I will be satisfied with any decision that this court makes regarding my case, and I know that this Honorable Court will make the right decision.

Prayer for Relief

14. WHEREFORE, Trinidad Ortega Lerma, prays for judgment in his favor and damages in his favor against all defendants as follows:

15. Plaintiff request an order declaring that the defendants have acted in violation of the United States Constitution.

16. Plaintiff request an injunction compelling defendants to provide full medical care, back surgery, or the needed medical care that I need to be healthy or to take care of my injuries.

17. Plaintiff requests \$3,700,000.00 as compensatory damages, for future medical bills, physical disability, injuries, future lost wages and pain and suffering.

18. Plaintiff request \$2,300,000.00 in punitive damages due to the NEGLIGENCE OF The GEO GROUP, INC. and their liability.

19. Plaintiff request an order to compel ICE (Department Of Home Land Security) to stop my deportation, and provide me with a Humanitarian Visa so that I can be cared for my injuries.

20. Plaintiff requests that any attorney fees, Court fees and costs be paid by defendants, and such additional relief as the Court may deem just and proper.

Respectfully submitted this 14 day of September, 2015.


TRINIDAD ORTEGA LERMA
Reg. No. 30542380
Cedar Hill Unit
3711 Wright Ave
Big Spring, TX 79720

EXHIBIT 1

FILED

APR 02 2014

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *MM*
DEPUTY

UNITED STATES OF AMERICA

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§
§

VS.

CASE NO. P-14-CR-090 (1)

TRINIDAD ORTEGA LERMA

**ORDER GRANTING
MENTAL EXAMINATION OF DEFENDANT**

On this the 2nd day of April, 2014, a hearing was held and the Government and Defendant thru his Attorney of Record, Jack Meredith, requested that the Court grant Defendant's Motion for Mental Examination. The Defendant thru his Attorney of Record, Jack Meredith, filed a written Motion for Mental Examination on March 28, 2014. The motion for a mental examination of the defendant for determination of sanity at the time of the instant offense and determination of competency to stand trial is hereby **GRANTED**.

IT IS HEREBY ORDERED pursuant to Title 18, United States Code § 4241, that the United States Marshal Service immediately transport the Defendant to the nearest suitable facility that will admit him for the purpose of psychological and/or psychiatric evaluation, it being the intention of the court that the personnel at the facility shall have authority to administer treatment to the Defendant as deemed necessary. The Defendant shall remain at this suitable facility for a reasonable period of time as deemed necessary for such examination, but for a period of time not to exceed forty-five (45) days.

IT IS FURTHER ORDERED that the Defendant be examined by qualified personnel to determine his sanity at the time of the instant offense and mental competency to proceed

EXHIBIT 1 *1*

EXHIBIT 2

Marfa Country Clinic
 105 E Oak St.
 PO Box 368
 Marfa, TX 79843
 Phone (432) 729 3000 Fax (432) 729 3001

DRAFT OF CURRENT NOTE**TRINIDAD ORTEGA-LERMA**

Dec 03, 2014 Wed 09:56 PM

Chief Complaint: neck and back pain confusion

History of Present Illness: Patient with continued neck and back pain

Review of Systems: Patient complains of not being given his medications on a regular basis.

The clearly defines the patient's medications, dosages, and frequency.

Inmate was given a written copy of his home medication dosages and given to him.

Inmate is truly confused. Whether this is as a result of a closed head injury, or a pre-existing mental health condition, it is difficult to determine.

Inmate did have a MRI of the cervical spine and the lumbar spine, review those results for specific details.

Past Medical History: past +ppd and inflammation pt was pissed about repeat ppd despite h/o +PPD
 pt cleared with cxr [Updated by Donald Culbertson, PA on 02/05/14 09:32 PM]

Family History:

Social History:

Allergies: No Known Allergies (Updated by DONALD on 01/15/2014 10:02 PM)

Medications:

- 1) Azithromycin 5 Day Dose Pack 250 mg oral tablet, 5 day Z-Pak as directed
- 2) CeleXA 40 mg oral tablet, 1 po q AM
- 3) naproxen 500 mg oral tablet, 1 po bid prn for pain and inflammation
- 4) traMADol 50 mg oral tablet, 1 po bid prn for back pain
- 5) traZODone 150 mg oral tablet, 1 tab at bed time

Physical Examination: BP: /88 Pulse: 78 RR: 16 Temp: 98.9 F

Patient here today well-developed well-nourished in generally good spirits. See vital signs for details

CV regular rate and rhythm no murmurs, upper extremity pulses equal bilateral.

Lungs: CTA bilaterally no wheeze rub or rhonchi no shortness of breath.

Discussion with inmate regarding the findings on his MRI.

EXHIBIT 2
EXHIBIT 2

Marfa Country Clinic
105 E Oak St.
Po Box 368
Marfa, TX 79843
(432) 729 3000
(432) 729 3001

12/12/2014

TRINIDAD ORTEGA-LERMA

Trinidad,

NOTE FOR US MARSHALL'S

CC: JACK MEREDITH ATTORNEY.

Individual has been incarcerated at the Presidio County jail facility. During that time I have provided the inmate with medical services.

Patient has chronic debilitating back pain. During his stay imaging studies were obtained, MRI of the C-spine and L-spine show some disc damage and possible nerve damage resulting in radiculopathy and debilitating pain. While pain is a subjective measure for the extent of injury, the MRI imaging studies serve to quantify the locations and the extent of the patient's back condition.

Multiple pain medications have been provided to the patient in combination and with increased frequency and strength, still patient suffers and complains of pain. The pain is such that it affects his mood and mental capability as well. It is my position that the patient's condition is more extensive than the medical facility at the Presidio County jail is prepared to manage and he would benefit from being incarcerated in a facility with an embedded clinical facility, a federal facility, or a facility in close proximity to specialty care.

 [] It is my opinion that the patient needs to be evaluated by a pain management specialist/back specialist. Patient seems to be a good candidate for epidural spine injections for the relief of symptoms both as a therapeutic and a diagnostic measure. Patient could be a candidate for back surgery. Whatever the patient's course of treatment turns out to be, management of the patient's chronic pain syndrome is required at this time.

The patient's second issue is his mental status. The inmate has been evaluated at a psychiatric facility and deemed fit for trial. While his previous psychiatric evaluation is all well and good, the specific nature of the patient's mental deficit has not been clarified. Patient has a constellation of symptoms which include memory loss, confusion, hearing voices, visual hallucinations, and simply being agitated and bothered. Of course like most mental health evaluations there are periods of complete lucidity and episodes of profound confusion when encountering Mr. Ortega-Lerma. The patient states that memory problem is as a result of a closed head injury over a year ago, it is difficult for medical staff at the Presidio County jail to ascertain whether this is a result of an injury or a pre-existing psychiatric condition. Inmate does need to be more completely evaluated for the

FAXED DEC 12 2014

EXHIBIT 3
exhibit 3

specifics of his mental condition, not just whether he is able to stand trial or not which has already been determined.

to summarize; inmate needs pain management, back evaluation with possible procedures, as well as a mental health evaluation to determine the nature and cause of his psychiatric condition. None of this is possible to accomplish in our rural remote setting. It is my recommendation as the correctional facility medical provider that Mr. Ortega-Lerma be transferred to an appropriate correctional facility to meet his physical and mental health needs.

Addendum:

radiology reports detailing the MRI results are in the inmates medical chart, It is my suggestion that a disk copy of the MRI imaging studies be obtained from the imaging facility and be transported along with the patient for review by the back specialist.

Sincerely,


Donald Culbertson, PA

FAXED DEC 12

EXHIBIT 3

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION

DEC 15 2014

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
P. [Signature] MJS
DEPUTY CLERK

United States of America

§
§
§
§

vs.

Our No: PE:14-CR-00090(1)-RAJ

(1) Trinidad Ortega Lerma

Your case No.

INTRA-DISTRICT TRANSFER ORDER

TO THE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TEXAS:

On the 15th day of December, 2014, the Court held a hearing to discuss the defendants' health issues concerning his back. After careful consideration and discussions with all parties, it is hereby ordered that the defendant be transferred to the Midland Division for proper treatment and for his final sentencing hearing.

The Defendant is hereby ordered transferred by the United States Marshals Service to the **Midland Division** for further hearings on this matter.

ORDERED this the 15th day of December, 2014.


B. DWIGHT GOAINS

U.S. MAGISTRATE JUDGE

EXHIBIT 4

EXHIBIT 4

AO 245 B (Rev. 08/05)(W.D.TX.) - Judgment in a Criminal Case

UNITED STATES OF AMERICA

v.

TRINIDAD ORTEGA LERMA

Defendant.

UNITED STATES DISTRICT COURT
Western District of Texas
MIDLAND DIVISION

FILED

JAN 22 2015

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY MJS DEPUTY

Case Number 4:14-CR-090-01 RAJ
USM Number 30542-380

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, TRINIDAD ORTEGA LERMA, was represented by Jack Meredith.

The defendant pled guilty to Count(s) 1 of the Indictment on October 29, 2014. Accordingly, the defendant is adjudged guilty of such Count(s), involving the following offense(s):

Title & Section	Nature of Offense	Offense Ended	Count (s)
8 U.S.C. § 1326(a)&(b)(2)	Illegal Entry after Deportation	January 14, 2014	1

As pronounced on January 16, 2015, the defendant is sentenced as provided in pages 2 through 7 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 22 day of January, 2015.

ROBERT JUNELL
United States District Judge

A true copy of the original, I certify.
Clerk, U. S. District Court

By: C. M. G. Deputy

EXHIBIT 5

Exhibit 5

AO 245 B (Rev. 08/05)(W.D.TX.) - Imprisonment

Judgment-Page 2

Defendant: TRINIDAD ORTEGA LERMA
Case Number: 4:14-CR-090-01 RAJ

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 24 months.

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant serve this sentence at F. C. I., Rochester, MN and that his designation be expedited.

That the defendant receive a medical evaluation and treatment while incarcerated.

The defendant shall remain in custody pending service of sentence.

RETURN

I have executed this Judgment as follows:

Defendant delivered on 2-17-15 to BSC
at Big Spring TX, with a certified copy of this Judgment.

Dwight Sims
United States Marshal
By John Holzapfel
Deputy Marshal

EXHIBIT 5

EXHIBIT 5

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Lerma, Trinidad Ortega
LAST NAME, FIRST, MIDDLE INITIAL

30542-380
REG. NO.

Cedar Hill
UNIT

BSC
INSTITUTION

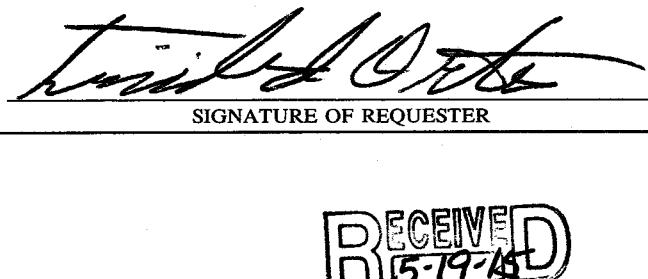
Part A- INMATE REQUEST

On April 4, 2014 I fell at the Court House. My Attorney saw me fall.

I still have pain in my neck, back, and head. It was ordered that I see a specialist for my pain. I did see a specialist in Ector County, once I was transferred here I have not been back. I am requesting to see the Specialist again. Dr. Herrera did not examine me he just told me that I do not need surgery. My family has already contacted Washington and this is being investigated. They have also contacted the Mexican counsel and Judge Genel since it was his order for me to see the specialist. Please give me a chance to see a specialist to see what is wrong with me. I have sent copouts to Medical in February and March, none have been answered. Once I got here all medical treatment has stopped. I want an investigation into Medical because of this.

5-19-15

DATE



SIGNATURE OF REQUESTER

Part B- RESPONSE

see attached response.

RECEIVED
5-19-15
SP

EXHIBIT 6

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: BSC-15-CH-110

CASE NUMBER: BSC-15-CH-110

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

MEMORANDUM

Date: May 21, 2015

To: Lerma, Trinidad #60542-380

Big Spring Correctional Center
1701 Apron Drive
Big Spring, Texas 79720

TEL: 432 264 0060
www.geogroup.com

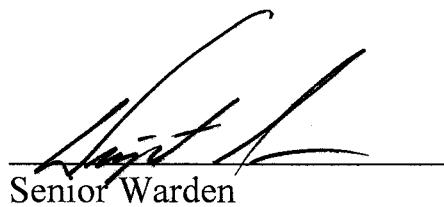
RE: ADMINISTRATIVE REMEDY BSC-15-CH-110

In your Administrative Remedy Request received on May 19, 2015, you claim that since your arrival here all medical treatment has stopped, and health service staff is not responding to your request to see a specialist for injuries you received when you fell in 2014.

A review of your records shows you arrived at Big Spring Correctional Center (BSCC) on February 17, 2015. You were seen by the Physician's Assistant on February 24, 2015, for an insect bite. At that time you received antibiotics and pain medication. On February 25, 2015, you were seen at sick call for back pain. You were educated on the disease process and medications. You also expressed frustration about "planned" medical care follow-up at your previous facility which was not completed due to your transfer to BSCC. On that date a Psychiatrist evaluation/consult was performed and medications prescribed. Your Mental Health appraisal was completed on February 26, 2015 and your physical examination completed on February 27, 2015. You were placed on the chronic care list and on March 10, 2015, you were seen for complaints of back pain. On April 10, 2015, you had a follow-up with the physician for your back pain. The physician reviewed results from a MRI done November 28, 2014 at a previous facility. On May 11, 2015, the physician conducted a follow-up with you explaining to you that based on the MRI of the cervical and lumbar spine, you do not have any pathology that requires surgery. He advised you to continue your current treatment.

Based on this review, you are receiving timely and appropriate medical care at this facility. Health Services will continue to monitor and treat you as medically indicated.

Your Administrative Remedy Request to see a specialist for injuries you received when you fell in 2014, are denied.



A handwritten signature in black ink, appearing to read "Senior Warden". It is written over a horizontal line.

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: LERMA, TRINIDAD
LAST NAME, FIRST, MIDDLE INITIAL 30542-380
REG. NO. CEDAR HILL
UNIT BSCC
INSTITUTION

Part A - REASON FOR APPEAL THIS REGIONAL ADMINISTRATIVE APPEAL IS RESPECTFULLY SUBMITTED WITH THE PURPOSE OF APPEALING THE DECISION BY THE SENIOR WARDEN DATED MAY 21, 2015, WHICH I ATTACHED TO THIS BP-10. IN HIS DECISION THE SENIOR WARDEN ADVISES ME THAT BASED ON THE MRI OF THE CERVICAL AND LUMBAR SPINE I DO NOT HAVE ANY PATHOLOGY THAT REQUIRE SURGERY. HOWEVER, DOCTOR CULBERTSON, DONALD A PHYSICIAN THAT RECOMMENDED MY MRI WHEN I WAS IN ALPINE, TX. SUGGESTED, RECOMMENDED AND ADVISED ME THAT I SHOULD BE TREATED BY A SPECIALIST WITH RESPECT TO THE ISSUE FOR WHICH I HAVE SUBMITTED VARIOUS REQUESTS AND THE BP-9 THAT WAS DENIED. IN THAT SENSE, I HOPE THAT THIS REGIONAL OFFICE CONSIDERS AND GRANTS MY PETITION BECAUSE MY MEDICAL SITUATION IS VERY DELICATE, THAT IS WHY I AM ATTACHING ALL THE MEDICAL RECORD AND THE APPROPRIATE DOCUMENTATION TO BE STUDIED AND CONSIDERED AND DEMONSTRATE THAT THE SENIOR WARDEN ERRED WHEN HE DENIED ME MY REQUEST TO SEE A SPECIALIST FOR INJURIES THAT I SUSTAINED IN THE COURTHOUSE IN 2014.

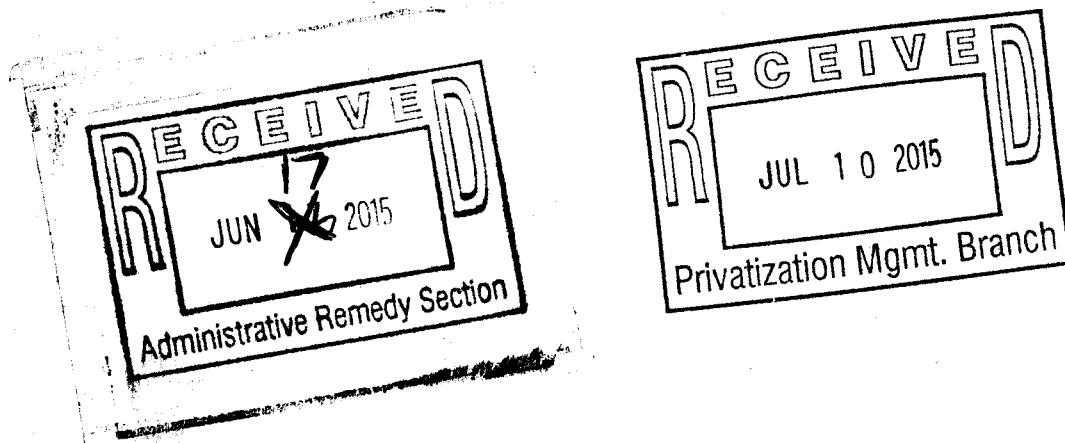
JUNE 05, 2015

DATE

SIGNATURE OF REQUESTER



Part B - RESPONSE



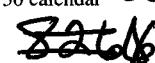
DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:



Part C - RECEIPT

CASE NUMBER:

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

EXHIBIT 7



Regional Administrative Remedy 828698-R1
Part B Response

You appeal the Warden's denial of your request to see a specialist to follow-up on your complaints of back, neck and head pain which you allege are the result of a fall in 2014. You also claim staff from your prior facility recommended that these issues be treated by a specialist.

A review of your medical record reveals you have been seen on multiple occasions for back and neck pain by medical staff at your current facility. You have been prescribed appropriate non-steroidal anti-inflammatory medications for your subjective complaints. Additionally, on August 3, 2015, a referral was written for you to see an orthopedic specialist for evaluation for epidural steroid injections, which would further address the concerns you have identified in your appeal.

Based on the above, your appeal is denied. If you are dissatisfied with this response, you may appeal to the Office of General Counsel, Federal Bureau of Prisons, 320 First Street, NW, Washington, DC 20534. Your appeal must be received in the Office of General Counsel within 30 calendar days from the date of this response.

9/2/15

Date

D. Mellendick

Donna Mellendick, Administrator
Privatization Management Branch

EXHIBIT 7

EXHIBIT 7

RECEIPT - ADMINISTRATIVE REMEDY

DATE: JULY 20, 2015

FROM: ADMINISTRATIVE REMEDY COORDINATOR
PRIVATIZATION MGT. BRANCH

TO : TRINIDAD ORTEGA LERMA, 30542-380
BIG SPRING CI UNT: CEDAR HILL QTR: C03-012L

THIS ACKNOWLEDGES THE RECEIPT OF THE REGIONAL APPEAL
IDENTIFIED BELOW:

REMEDY ID : 828698-R1
DATE RECEIVED : JULY 10, 2015
RESPONSE DUE : AUGUST 9, 2015
SUBJECT 1 : MEDICAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 :

Trinidad Ortega Lerma
Inmate Signature
7-21-15

Date
Date Sent: 10 By: 7/21/2015

Document has been forwarded to
Administrative Remedy Clerk for
signature of inmate.
By: WP Date: 7/20/2015

EXHIBIT 8
INMATE COPY

EXHIBIT 8

EXTENSION OF TIME FOR RESPONSE - ADMINISTRATIVE REMEDY

DATE: JULY 31, 2015

FROM: ADMINISTRATIVE REMEDY COORDINATOR
PRIVATIZATION MGT. BRANCH

TO : TRINIDAD ORTEGA LERMA, 30542-380
BIG SPRING CI UNT: CEDAR HILL QTR: C03-012L

ADDITIONAL TIME IS NEEDED TO RESPOND TO THE REGIONAL APPEAL IDENTIFIED BELOW. WE ARE EXTENDING THE TIME FOR RESPONSE AS PROVIDED FOR IN THE ADMINISTRATIVE REMEDY PROGRAM STATEMENT.

REMEDY ID : 828698-R1
DATE RECEIVED : JULY 10, 2015
RESPONSE DUE : SEPTEMBER 8, 2015
SUBJECT 1 : MEDICAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 :

Document has been forwarded to
Administrative Remedy Clerk for
signature of inmate.

By: W Date: 7-31-15

EXHIBIT 8

EXTENSION OF TIME FOR RESPONSE - ADMINISTRATIVE REMEDY

DATE: JULY 31, 2015

FROM: ADMINISTRATIVE REMEDY COORDINATOR
PRIVATIZATION MGT. BRANCH

TO : TRINIDAD ORTEGA LERMA, 30542-380
BIG SPRING CI UNT: CEDAR HILL QTR: C03-012L

ADDITIONAL TIME IS NEEDED TO RESPOND TO THE REGIONAL APPEAL IDENTIFIED BELOW. WE ARE EXTENDING THE TIME FOR RESPONSE AS PROVIDED FOR IN THE ADMINISTRATIVE REMEDY PROGRAM STATEMENT.

REMEDY ID : 828698-R1
DATE RECEIVED : JULY 10, 2015
RESPONSE DUE : SEPTEMBER 8, 2015
SUBJECT 1 : MEDICAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 :

Document has been forwarded to
Administrative Remedy Clerk for
signature of inmate.

By: WD Date: 7-31-15


Inmate Signature

7-31-15

Date

Date Sent: 7-31-15 BL

To: Don Culbertson P.A.

From: Daniel B Lankford M.D.

12-02-14 11:52am p. 2 of 3

Big Bend Regional Medical Center
2600 Highway 118 North
Alpine, TX 79830
432 837 3447

IMAGING REPORT**Name:** TRINIDAD, ORTEGA L.

MRN:	132024	Room #:	DOB: 06/18/1960
Account #:	2284410	Bed #:	Age: 54 Y
Patient Type:	RAD	Order Date/Time: 11/28/2014 10:46 AM	Sex: M
Order #	Accession #:	Exam Description:	Admitting Diagnosis(es):
100	22844100000100	MR-CERVICAL SPINE	cervical radiculopathy

Dictated By: LANKFORD, DANIEL B M.D.
 Ordering Physician: CULBERTSON, DONALD
 Attending Physician: CULBERTSON, DONALD
 Primary Care Physician: UNKNOWN, PRIMARY CARE

JACKET NUMBER: 132024

DATE OF SERVICE: 11/28/2014

HISTORY: cervical radiculopathy**MRI OF THE CERVICAL SPINE WITHOUT IV CONTRAST**

TECHNIQUE: Multiplanar multi sequence magnetic resonance imaging of the cervical spine was performed without IV contrast.

COMPARISON: None available.

FINDINGS: The cervical alignment remains within normal limits. The cervical intervertebral discs are mildly desiccated in signal throughout. No suspicious focal bone marrow signal abnormality is detected. C2-C3: No disc bulge, spinal canal stenosis, or neural foraminal narrowing.

C3-C4: Small posterior disc osteophyte complex and mild bilateral facet arthrosis results in mild left only neural foraminal narrowing without spinal canal stenosis.

→ C4-C5: Small posterior disc osteophyte complex and bilateral facet arthrosis results in mild left only neural foraminal narrowing without spinal canal stenosis.

C5-C6: Small posterior disk osteophyte complex without narrowing of the spinal canal or neural foramina.

→ C6-C7: Small posterior disc osteophyte complex and bilateral facet/uncal vertebral hyper trophy results in mild thecal sac effacement and moderate left/mild right neural foraminal narrowing.

→ C7-T1: No disc bulge, spinal canal stenosis, or neural foraminal narrowing.

The cervical soft tissues are unremarkable.

The cervical spinal cord is normal in caliber intensity without focal lesions.

SCANNED

Page 1 of 2

E.L. HOBSON

EXHIBIT 9

To: Don Culbertson P.A.

From: Daniel B Lankford M.D.

12-02-14 11:53am p. 2 of 3

Big Bend Regional Medical Center
2600 Highway 118 North
Alpine, TX 79830
432 837 3447

IMAGING REPORT**Name:** TRINIDAD, ORTEGA L.

MRN:	132024	Room #:	DOB: 06/18/1960
Account #:	2284410	Bed #:	Age: 54 Y
Patient Type:	RAD	Order Date/Time: 11/28/2014 10:46 AM	Sex: M
Order #	Accession #:	Exam Description:	Admitting Diagnosis(es):
200	22844100000200	MR-LUMBAR SPINE	lumbaar radiculopathy

Dictated By: LANKFORD, DANIEL B M.D.
 Ordering Physician: CULBERTSON, DONALD
 Attending Physician: CULBERTSON, DONALD
 Primary Care Physician: UNKNOWN, PRIMARY CARE

JACKET NUMBER: 132024

DATE OF SERVICE: 11/28/2014

HISTORY: lumbaar radiculopathy

MRI OF THE LUMBAR SPINE WITHOUT IV CONTRAST

TECHNIQUE: Multiplanar multi sequence magnetic resonance in the lumbar spine was performed without IV contrast

COMPARISON: None available.

FINDINGS: Mild straightening of the lumbar curvature is noted. The lumbar intervertebral disks are desiccated in signal throughout. Mixed Modic endplate changes are seen at L5-S1. No suspicious focal bone marrow signal abnormality is noted. The conus terminates normally at L1 and the visualized spinal cord is normal in signal intensity.

L1-L2: Small circumferential disc bulge, without narrowing of the spinal canal or neural foramina.

L2-L3: Small circumferential disk bulge with small central annular fissure and bilateral facet arthrosis.

These findings result in mild bilateral neural foraminal narrowing without significant spinal canal stenosis.

L3-L4: No disc bulge is present. There are moderate bilateral facet arthrosis resulting in no definite neural foraminal narrowing or spinal canal stenosis.

→ L4-L5: Circumferential disk bulge with a posterior annular fissure and bilateral facet arthrosis/hypertrophy of the ligamentum flavum. These findings result in mild to moderate spinal canal stenosis and mild to moderate bilateral neural foraminal narrowing, slightly worse on the left side.

→ L5-S1: Circumferential disk bulge and bilateral facet arthrosis results in mild to moderate bilateral neural foraminal narrowing without spinal canal stenosis.

No abnormality of the soft tissues is identified.

EXHIBIT 9

12-02-14 11:53am p. 2 of 3
 JAD DEC 02 2014
 FA

TRINIDAD ORTEGA LERMA
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Cedar Hill Unit
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MIDLAND TX 797
TUE 15 SEP 2015 FM

KIRK
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TO:U.S. DISTRICT COURT
COURT CLERK
341 Pine St., Room 2008
Abilene, TX 79601

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